

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HECTOR LEBRON,

Petitioner,

v.

MICHAEL CAPRA, SUPERINTENDENT,  
SING SING CORRECTIONAL FACILITY,

Respondent.

22-CV-9089 (RA)

22-CV-10227 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Petitioner Hector Lebron has filed two petitions for writs of *habeas corpus* under 28 U.S.C. § 2254 challenging his 2015 conviction in the Supreme Court of the State of New York, Bronx County. The first petition was mailed, on or about September 27, 2022, to the United States District Court for the Eastern District of New York, which transferred it here, where it was opened as *Lebron v. Capra*, ECF 1:22-CV-9089 (S.D.N.Y.). On October 25, 2022, Chief Judge Laura Taylor Swain directed Petitioner to (1) resubmit the signature page of the petition with his signature; and (2) pay the \$5.00 filing fee or submit an application to proceed *in forma pauperis*.<sup>1</sup>

On November 17, 2022, Petitioner submitted a signed Section 2254 petition to this Court, challenging the same 2015 conviction, and it was opened as *Lebron v. Capra*, ECF 1:22-CV-10227 (RA) (S.D.N.Y.). Petitioner also paid the \$5.00 filing fee, and he submitted a letter explaining that he had previously filed his petition in the Eastern District of New York. (ECF 2.) It appears that this petition and \$5.00 payment were submitted in response to the October 25,

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<sup>1</sup> That matter was eventually reassigned to my docket as related to the second action, *Lebron v. Capra*, ECF 1:22-CV-10227 (RA) (S.D.N.Y.).

2022 order in *Lebron*, ECF 1:22-CV-9089, 6, and that this new action was therefore opened in error. The Court therefore concludes that this matter shall proceed under the earlier filed docket number.

Accordingly, the Court directs the Finance Unit to apply the \$5.00 filing fee from ECF 1:22-CV-10227 (RA) to ECF 1:22-CV-9089 (RA). The Court directs the Clerk of Court to (1) file the signed petition and letter from *Lebron*, ECF 1:22-CV-10227, 1-2, in the original action, *Lebron*, ECF 1:22-CV-9089; and (2) administratively close the action, *Lebron*, ECF 1:22-CV-10227, as having been opened in error.

### CONCLUSION

The Court directs the Finance Unit to apply the \$5.00 filing fee from ECF 1:22-CV-10227 (RA) to ECF 1:22-CV-9089 (RA). The Court further directs the Clerk of Court to (1) file the signed petition and letter from *Lebron*, ECF 1:22-CV-10227, 1-2, in the original action, *Lebron*, ECF 1:22-CV-9089; and (2) administratively close the action, *Lebron*, ECF 1:22-CV-10227, as having been opened in error.

SO ORDERED.

Dated: December 28, 2022  
New York, New York



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RONNIE ABRAMS  
United States District Judge